

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **June 14, 2005**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

**ITEM TITLE: Public Hearing Regarding Vacating a 40 Foot Wide Unopened Street located off Old Forest Road Between Range and Lindberg Streets**

### RECOMMENDATION:

Adopt an ordinance vacating a 40 foot wide unopened, unnamed street located off Old Forest Road between Range and Lindberg Streets.

### SUMMARY:

Robert Crocker has requested that a 40 foot wide unopened, unnamed street located off Old Forest Road between Range and Lindberg Streets be vacated. The Technical Review Committee comments have been incorporated into the proposed ordinance.

### PRIOR ACTION(S):

May 3, 2005: Technical Review Committee Review

May 24, 2005: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

Pat Kost 455-3990

Robert Crocker 546-0364

### ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A 40 FOOT WIDE UNOPENED, UNNAMED STREET LOCATED OFF OLD FOREST ROAD BETWEEN RANGE AND LINDBERG STREETS

WHEREAS, Robert Crocker has requested that the City of Lynchburg, on its own motion, vacate a 40 foot wide unopened, unnamed street located off Old Forest Road between Range and Lindberg Streets; and

WHEREAS, Robert Crocker and Charles F. Walker owns all of the adjoining property; and

WHEREAS, City Council finds that no public inconvenience will result from vacating this 40' unopened, unnamed street;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described 40' unopened, unnamed street be, and the same hereby is, discontinued and vacated, namely:

A 40 foot wide unopened street located off Old Forest Road between Range and Lindberg Streets as shown on a plat entitled "A Part of Section 7, West Lynchburg Subdivided Oct. 1921, amended July 1922, for A. E. Weeks" By Demott and Magruder, Engs, and recorded in Campbell County, VA, at Plat Cabinet "A", Slide 31, Pg. 57 and Plat Book 2, Page 57.

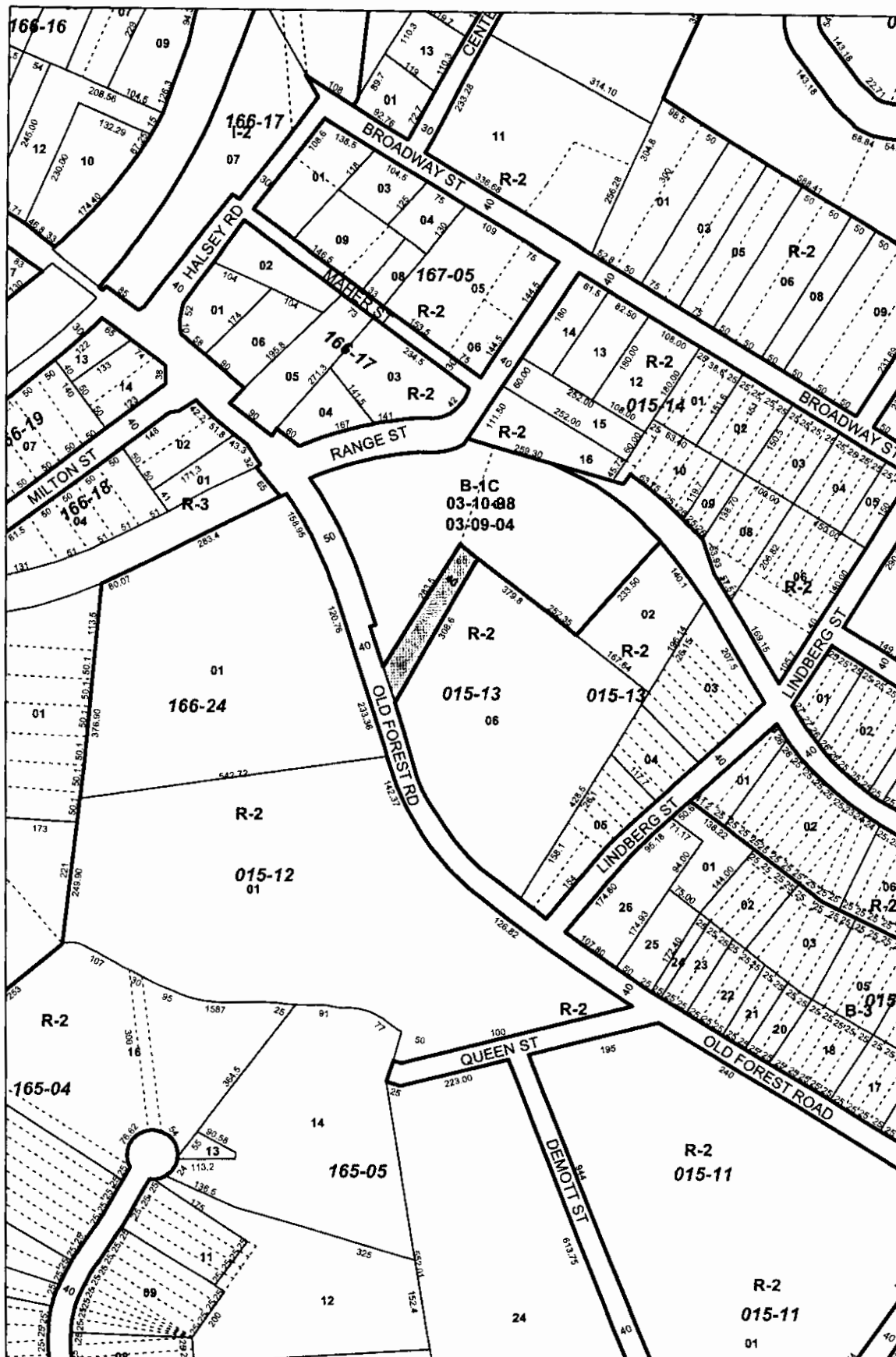
Said vacation is contingent upon the following conditions: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division, and (2) the plat entitled "Plat Showing Right-of-way Dedication and Lot Line Vacation, Robert D. Crocker and Wanda E. Brooks-Crocker," by Hurt & Proffitt, Inc., dated December 9, 2003, must be approved and recorded so that all lots will have public right-of-way frontage and access to Old Forest Road.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council



0 200 400 ft





# THE CITY OF LYNCHBURG, VIRGINIA

Community Planning & Development

City Hall, 900 Church Street  
Lynchburg, Virginia 24504 • (434) 455-3900  
FAX • (434) 845-7630

May 9, 2005

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chénault, Planner II

RE: Unopened, Unnamed Street off Old Forest Road (SUB0504-0012)  
Between Range Street and Lindberg Street

On May 3 the Technical Review Committee (TRC) reviewed the proposed vacation of an unopened, unnamed street off Old Forest Road between Range Street and Lindberg Street. The TRC had the following comments:

1. The plat entitled "Plat Showing Right-of-Way Dedication and Lot Line Vacation, Robert D. Crocker and Wanda E. Brooks-Crocker," by Hurt & Proffitt, Inc., dated 12-9-2003 must be approved and recorded so that all lots will have public right-of-way frontage and access to Old Forest Road.
2. An 8-inch sanitary sewer line crosses this right of way near Old Forest Road. It shall be necessary to reserve a 15' sanitary sewer easement, centered on the existing line, when the street is vacated.

pc: Technical Review Committee  
Robert Crocker

APPLICATION FOR THE VACATION OF A

PAPER STREET  
(Street/Alley)

LOCATED BETWEEN

RANGE STREET AND LIDDBERG STREET

The undersigned applicant, Robert Crocker  
\_\_\_\_\_, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950,  
as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as  
amended, respectfully makes application to the Lynchburg City Council for the vacation  
of that certain PAPER STREET described as follows:

A 40' unopened street as shown on a plat  
entitled "A Part of Section 7, West Lynchburg  
Subdivided Oct. 1921, Amended July 1922,  
for A. E. Deeks" by Demott & Masruder, Engrs.  
Recorded in Campbell County, VA. at Plat  
Cabinet "A", Slide 31, Pg. 57 and Plat Book 2, Page 57.

The applicant further requests the Lynchburg City Council to hold a public  
hearing on this application at its meeting to be held in the Council Chambers, City Hall,  
900 Church Street, Lynchburg, Virginia, on June 14, 2005, at 7:30 p.m., or as soon  
thereafter as the matter may be heard, and at the conclusion of which hearing to  
consider whether or not to vacate the above described PAPER STREET.

Given under my hand this 13<sup>th</sup> day of April, 2005.

Mark E. Brock Crocker

Robert Crocker Holt  
Applicant

2134 Old Forest Rd Lynch Va 24501  
Address

434-546-0364  
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE  
VACATION OF THE ABOVE DESCRIBED PROPERTY:

Charles F. Walker  
2120 Old Forest Road  
Lynchburg, Va. 24501  
434-846-0325

Charles F. Walker